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SEP 22 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, CLERK
[Signature]

ELAINE CHAO, Secretary of Labor
United States Department of Labor,

Plaintiff,

vs.

CIVIL ACTION NO.
1:06-CV-0495-RWS

LOCAL UNION 728, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN
AND HELPERS OF AMERICA,

Defendant.

CONSENT JUDGMENT

The parties hereby stipulate and agree to a settlement of this action as follows:

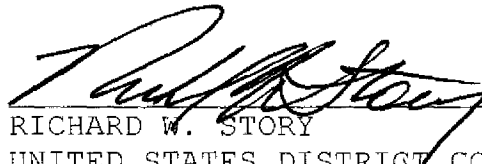
1. Plaintiff brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. 481, et seq.) (hereafter, "the Act") to set aside the Defendant's April 2005, election of the office of the Third Trustee, which election was subject to the provisions of Title IV of the Act.
2. Plaintiff alleged in her Complaint that violations of Title IV of the Act occurred in connection with the election referred to in paragraph one.
3. The parties hereby stipulate and agree that a new election for the office of the Third Trustee shall be conducted. The election shall be conducted under the supervision of the Plaintiff, in accordance with Title IV of the Act (29

U.S.C. § 481 et seq.) and, insofar as lawful and practicable, with the International Brotherhood of Teamsters Constitution and the Local 728 By-laws. Such election shall be conducted no later than December 31, 2006.

4. The Defendant enters into this Consent Decree in order to avoid future costs of litigation and to promote the finality of its 2005 election of officers.
5. A pre-election conference shall be held by the Plaintiff at a site provided by the defendant. The conference will be used to discuss and explain the rules and procedures to be followed in the re-run election. The conference shall be open to all Local 728 members. No less than fifteen days prior to the conference, a notice announcing the conference shall be posted at all facilities.
6. All decisions of the Plaintiff as to the interpretation or application of Title IV of the Act relating to the supervised election shall be final.
7. The Court shall retain jurisdiction of this action, and after completion of the supervised election, the Plaintiff shall certify to the Court the name of the person so elected, and shall certify that such election was conducted in accordance with Title IV of the Act, and the provisions of the Constitution and By-Laws as referred to in paragraph four, if it is so. Upon approval of such certification, the Court shall enter a judgment declaring that such person has been elected as shown by the certification.
8. After the Court has approved the certification of the election, the winning candidate shall be installed pursuant to the Constitution and By-Laws of the Defendant.

9. The parties agree that each party shall bear its own fees and other expenses, including attorney's fees, incurred by such party in connection with any stage of this proceeding.

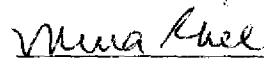
SO ORDERED this 24th day of September, 2006.


RICHARD W. STORY
UNITED STATES DISTRICT COURT JUDGE

For Plaintiff:

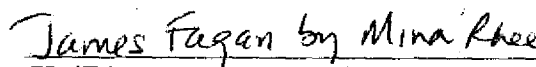
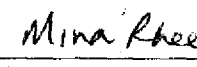
DAVID E. NAHMIAS
UNITED STATES ATTORNEY

Dated: 9/20/06


MINA RHEE
ASSISTANT U.S. ATTORNEY
Ga. Bar No. 602047
600 U.S. Courthouse
75 Spring Street, SW
Atlanta, Georgia 30303

For Defendant:

Dated: 9/20/06

 by  w/ express
JAMES D. FAGAN, JR. *permission*
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Atlanta, Georgia 30309